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PATENT
ATTORNEY DOCKET NO. 04163-0037

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

R. Eric Montgomery

Examiner: Neil S. Levy

Serial No.: 09/398,156

Art Unit: 1616

Filed: September 16, 1999

Title: IMPROVED PROTEINACEOUS ANIMAL CHEW
WITH DENTALLY THERAPEUTIC CATION

Assistant Commissioner for Patents
Washington, D.C. 20231

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER PRIOR PATENT**

Dear Sir:

Petitioner R. Eric Montgomery hereby states that he is the sole Applicant owning the entire right, title and interest in the instant unassigned application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by a terminal disclaimer of prior Patent No. 6,074,662 filed August 15, 1996, which claims priority to USSN 60/002,345 filed August 15, 1995. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent is commonly owned. This agreement runs with any patent granted on the instant application and is binding upon any grantee, its successors or assigns.

USSN 09/398,156
Express Mail No.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, have all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is empowered to make this disclaimer, as the present application is unassigned and no other inventors exist for the present application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: Nov 27th, 2002

R. Eric Montgomery
R. Eric Montgomery

X Terminal disclaimer fee under 37 CFR 1.20(d) included.